

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON
PROBATION OFFICE

MATTHEW L. THOMPSON

CHIEF PROBATION OFFICER
U.S. COURTHOUSE
920 W Riverside, Room 540
PO BOX 306
SPOKANE, WA 99210-0306
(509) 742-6300 / fax (509) 742-6339

June 2, 2021

BRANCH OFFICES

FEDERAL BUILDING
25 S. 3rd Street, Room 326
PO BOX 1791
YAKIMA, WA 98907-1791
(509) 574-5535 / fax (509) 574-5539

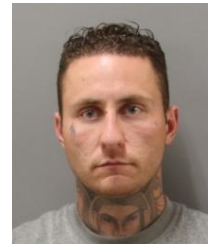
FEDERAL BUILDING
825 Jadwin Ave, Suite 170
RICHLAND, WA 99352-0446
(509) 943-8130 / fax (509) 943-8139

REPLY TO Spokane

RECEIVED
Jun 02, 2021

CLERK, U.S. DISTRICT COURT

The Honorable R. Malouf Peterson,
U.S. District Judge
Thomas S. Foley U.S. Courthouse
P.O. Box 1493
Spokane, WA 99210



RE: Morgan, Joseph Todd
Dkt. No. 0980 2:21CR00061-RMP-1
Custody Status: Incarcerated in Superior,
Montana, as of 6/1/2021
Violation Report #1

Dear Judge Peterson:

Attached for the Court's review is a petition for action on the above-captioned offender. The circumstances of the alleged noncompliant behavior are reported therein.

Compliance with Supervision Conditions:

On July 8, 2020, Mr. Morgan was sentenced to a 27-month term of imprisonment, followed by a 36-month term of supervised release, following his guilty plea to felon in possession of a firearm. On May 18, 2021, Mr. Morgan's term of supervised release commenced.

As documented in the petition before Your Honor, Mr. Morgan is alleged to have returned to committing unfavorable behavior just 2 weeks after his release. Mr. Morgan is in custody at the Mineral County Jail in Superior, Montana. He is now facing potential charges for felony partner family member assault via strangulation, felony tampering with a witness, and misdemeanor unlawful restraint. The undersigned officer is respectfully requesting a warrant be issued as the allegations before the Court are very serious. Mr. Morgan should have to answer to Your Honor regarding his lack of compliance.

Offender Characteristics:

Mr. Morgan's special penalty assessment has not been paid.

Re: Morgan, Joseph Todd

June 2, 2021

Page 2

Mr. Morgan is employed by his aunt with Pavilion Painting in Spokane, Washington.

Mr. Morgan was referred to mental health treatment, chemical dependency treatment, and random urine sampling services upon his release; however, he was arrested before completing any evaluations.

Mr. Morgan was released to live in Liberty Lake, Washington, with his girlfriend. Following the recent events, Mr. Morgan is no longer authorized to live at this residence.

On May 25, 2021, the jurisdiction of Mr. Morgan's federal case was successfully transferred from the District of Idaho to the Eastern District of Washington.

Statutory and Guideline Provisions:

Pursuant to 18 U.S.C. § 3583(e)(3), the Court may revoke a term of supervised release, and require the defendant to serve in prison all or part of the term of supervised release authorized by statute for the offense that resulted in such term of supervised release, except that a defendant whose term is revoked under this paragraph may not be required to serve on any such revocation more than 5 years in prison if the offense that resulted in the term of supervised release is a class A felony, more than 3 years in prison if such offense is a class B felony, more than 2 years in prison if such offense is a class C or D felony, or more than 1 year in any other case.

Pursuant to 18 U.S.C. § 3583(h), when a term of supervised release is revoked and the defendant is required to serve a term of imprisonment, the Court may include a requirement that the defendant be placed on a term of supervised release after imprisonment. The length of such a term of supervised release shall not exceed the term of supervised release authorized by statute for the offense that resulted in the original term of supervised release less any term of imprisonment that was imposed upon revocation of supervised release.

As a cost-containment measure, in March 2004, the Judicial Conference endorsed a non-binding policy that substantially restrains enhanced sentencing authority. This policy was incorporated in our agency's Monograph 109, *The Supervision of Federal Offenders*:

Although it is statutorily permissible to impose a new term of supervised release in most post-April 30, 2003, cases, officers should ordinarily recommend a new supervised release sentence only when the prison time imposed for the current violation, plus any prison time imposed for a prior revocation(s) of this term of supervised release, is less than the maximum prison term set forth at 18 § 3583(e)(3).

Re: Morgan, Joseph Todd

June 2, 2021

Page 3

If revoked, the following options are available for sentencing:

Original Criminal History Category: VI

Grade of Violation: B

Class of Offense: Class C Felony

	<u>Statutory Provisions</u>	<u>Guideline Provisions</u>
CUSTODY:	Not more than 2 years	21-27 months
SUPERVISED RELEASE:	36 months minus custody imposed	36 months minus custody imposed

It is respectfully recommended that the Court issue a warrant requiring Joseph Morgan to appear to answer to the allegation(s) in the attached petition.

Respectfully submitted,

Matthew L. Thompson
Chief U.S. Probation Officer

By: <u>s/Mark E. Hedge</u>	<u>06/02/2021</u>
Mark E. Hedge	Date
U.S. Probation Officer	

APPROVED BY:

<u>s/Richard Law</u>	<u>06/02/2021</u>
Richard Law	Date
Supervisory U.S. Probation Officer	

MEH:sa

UNITED STATES DISTRICT COURT

for the

Eastern District of Washington

United States of America

v.

Joseph Todd Morgan

Case No. 2:21CR00061-RMP-1

Defendant

ARREST WARRANT

To: Any authorized law enforcement officer

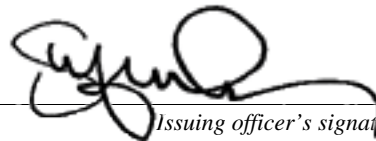
YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay(name of person to be arrested) Joseph Todd Morgan,

who is accused of an offense or violation based on the following document filed with the court:

- ☐ Indictment ☐ Superseding Indictment ☐ Information ☐ Superseding Information ☐ Complaint
☐ Probation Violation Petition ☒ Supervised Release Violation Petition ☐ Violation Notice ☐ Order of the Court

This offense is briefly described as follows:

See petition and order filed 6/2/2021.

Date: Jun 02, 2021, 3:32 pm

Issuing officer's signatureCity and state: Spokane, WashingtonSean F. McAvoy, Clerk of Court/DCE*Printed name and title*

Return

 This warrant was received on (date) _____, and the person was arrested on (date) _____
 at (city and state) _____.

Date: _____

*Arresting officer's signature**Printed name and title*